

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -	x
IN THE MATTER OF	: PROJECT NO.
BOUNDARY HYDROELECTRIC PROJECT	: 2144-35
SEATTLE CITY LIGHT	: WASHINGTON
- - - - -	x

Quality Inn
7919 N. Division
Conference Room
Spokane, Washington

Tuesday, July 18, 2006

The above-mentioned matter came on for public
scoping meeting, pursuant to notice at 1:00 p.m.

MODERATOR: DAVID TURNER, FERC

1 P R O C E E D I N G

2 MR. TURNER: Thank you for coming to the
3 scoping meeting for the Boundary. My name is David Turner.
4 I've met most of you, and we probably should go around the
5 table in a second.

6 But one you haven't met is Nick Jayjack.
7 He's with our Commission. He's an aquatic fish biologist, a
8 fisheries biologist, and he worked on the project.

9 We have a whole team back at the office
10 that will also be available. Can everybody here me okay?
11 But to kind of hold cost, we thought we'd -- the two of us
12 would handle this meeting.

13 Maybe we could go through and get
14 introductions, and I would hope that everybody signed in up
15 here at the front. If not, before you leave today, sign in
16 for our records. And this is being recorded by a court
17 reporter, so any of our comments need to be state your name
18 and affiliation first, but we'll kind of go through those
19 procedural things in a minute.

20 But let's start with Doug.

21 MR. ROBISON: Yeah. Hi. Doug Robison with
22 Washington State Department of Fish and Wildlife here in
23 Spokane.

24 MR. TROCHTA: I'm Dan Trochta with the U.S.
25 Fish and Wildlife Service in Spokane.

1 MR. DONALDSON: Rick Donaldson, Fish and
2 Wildlife Service, Spokane.

3 MS. GREENE: Barbara Greene, Seattle City
4 Light.

5 MR. TURNER: Do you want to --

6 MS. PATE: Oh. Kim Pate, Seattle City
7 Light.

8 MR. TURNER: Go ahead.

9 MR. GAEDEKE: I'm Erich Gaedeke with FERC
10 in Portland.

11 MR. EYCHANER: I'm Jim Eychaner with the
12 State of Washington Interagency Committee for Outdoor
13 Recreation.

14 MS. THOMAS: I'm Liz Thomas of the firm
15 Preston, Gates & Ellis here on behalf of City Light.

16 MR. KOEHN: Glenn Koehn with the U.S.
17 Forest Service in Colville.

18 MS. LYNN: Michelle Lynn with Seattle City
19 Light.

20 MR. PADULA: Steve Padula with Longview
21 Associates, consultants.

22 MR. GROSS: John Gross, Kalispel tribe.

23 MR. TURNER: Okay. Thanks, guys. I have a
24 presentation prepared here today to go through and we can,
25 but Seattle City Light and you guys have been working so

1 closely and so intensely over the last year or so that I
2 don't want to waste your time going through a lot of this
3 stuff unless there is a desire.

4 Turn to the next slide. The agenda that I
5 had planned was really just basically an introduction of
6 what we've gone through, an overview of the process, which
7 I'm guessing many of you already have a good understanding.

8 Is there anybody that doesn't understand
9 the I.O.P.?

10 (No response).

11 I was going to hit it very briefly. Just
12 don't be shy. Raise your hand if there's any questions at
13 all about what's happening and what's going to happen over
14 the next couple of months, because I'll be glad to go over
15 it.

16 (No response).

17 Okay. So I'm going to skip that and talk
18 about scoping, our purpose for scoping here, and that's
19 really to talk about the issues here.

20 Doug?

21 MR. ROBISON: One question on process as it
22 relates to opportunities for working on the settlement
23 agreement. I know BRGR is going to provide some guidelines
24 at one point and that's been delayed or put off or I don't
25 know where it's at, but in terms of where it relates to the

1 I.O.P. and what you know of the development of those
2 guidelines, is there anything you could share?

3 MR. TURNER: I think you're asking two
4 questions, where is the guidelines on the settlement and
5 what constitutes a good settlement measures, and then where
6 do you fit your negotiations into the I.O.P. is kind of the
7 second part of that question, is the way I viewed your
8 question; right?

9 MR. ROBISON: Yeah. Or if in those
10 guidelines that are being developed you know of anything
11 specific that relates to the I.O.P.

12 MR. TURNER: Okay. Well, no, there isn't
13 anything specific to the I.O.P. There -- the guidelines
14 that are being developed, and to be honest I can't tell you
15 when they're going to come out because it still needs to go
16 before the Commission, and I don't know where they are in
17 that process, so I can't say with any definitive attributes
18 as to when that's going to come out or what it even entails
19 because some of the staff -- staff haven't been even privy
20 to a lot of that discussion yet, so we don't know a lot of
21 details.

22 I can point you to recent orders to give
23 you an indication of where the Commission is going on a
24 number of matters. Like Gaston and Holyoke -- not Gaston.
25 Gaston and Pelton and Tapoco, those orders will give you an

1 indication that I think of where the real hot topics are in
2 terms of where the Commission is going on those measures.

3 Where -- the other part of the question is
4 I thought is where do settlement negotiations fit in the
5 I.O.P., and really that -- there's a lot of flexibility and
6 it's really driven by the parties in the I.O.P. process. It
7 probably best fits after you've gotten some data coming in
8 so that you have those results, but it can occur as soon as
9 you feel that you have enough to start talking about
10 potential measures that should be implemented.

11 If there's existing data out there that you
12 don't need to supplement but yet you know there's an issue
13 that needs to be dealt with, you can start talking about
14 that as soon as you feel comfortable, but that's really
15 driven by the applicant and the stakeholders.

16 Did that answer your question?

17 MR. ROBISON: Yes. Thanks.

18 MR. TURNER: Everybody has a good
19 understanding of the project and how it operates; right?
20 Anybody that don't?

21 (No response).

22 I'm sure that's probably another one of
23 those broad questions. And this is just our general format,
24 so I'm willing to drop that question to move this along a
25 little quicker. Okay. We'll skip that one and jump right

1 into the issues once we go into the discussion purpose, so
2 if you hit the next slide.

3 Like I said, I hope everybody signed in.
4 We are recording this for our record. It's for our need for
5 scoping purposes, and we'll put it on the Commission's
6 record, so any time you talk please state your name and
7 affiliation.

8 Written comments are due along with your
9 study requests by September 1, I think. Yeah, September 1.

10 The mailing list. This is important, and
11 since there's so few people I would hope that Barbara, you
12 guys at City Light can also get this out to the other
13 stakeholders on your mailing list. The mailing list is in
14 back of the scoping document, and if anybody needs it, we'll
15 be talking from that scoping document. There's extra copies
16 up here at the front.

17 That mailing list is what the Commission
18 has on record for the folks that are interested in this
19 proceeding. It's probably very outdated and doesn't reflect
20 what the current interest is. So if you have a -- if you
21 need to be placed on there or if you know other people that
22 need to be, have them file a letter with the Commission
23 asking to be placed on the mailing list.

24 We -- it kind of creates an issue for staff
25 to try to do that. Our I.T. folks have told us that it's

1 easier for them to handle individual requests that come in
2 because of the way that they assign information in a session
3 number. So if you can do it on an individual basis, it
4 would be perfect. There's information in the back of the
5 scoping document on how to get placed on the mailing list.

6 Now, recognize once you're on that mailing
7 list, you're there. You're going to get everything that
8 comes in from that project from that day forward until you
9 tell the Commission otherwise, that you want to be removed
10 from it. Again, there's back -- there's how to do that is
11 in the back of the document and on page 25 of the scoping
12 document. Let's double check that. Yeah.

13 Next slide. I'll skip this one because
14 everybody knows where we are in the scoping process and
15 you're working on your study plan development, and the next
16 really big item will be develop a proposed study plan.

17 Next. Scoping is intended to be as
18 interactive -- we like this to be as interactive as
19 possible. We want to talk about the issues, make sure that
20 we understand the issues based on the information that was
21 included in the PAD, and we've been trying to follow some of
22 the meeting minutes that have been posted and some of the
23 discussions, so we want to make sure that we're up to date
24 and the scoping document reflects what we understand.

25 We have probably characterized a number of

1 these issues more broadly and in some cases more narrowly
2 than maybe what you had intended, and that's part of what we
3 want to talk about here today, and basically make sure we
4 have an understanding of what additional information you're
5 approaching and we're going to need to address those issues.

6 So these studies are at least broadly
7 available topics to talk about today, too. If there's
8 anything that you guys would like Commission staff's insight
9 on, since we -- since we haven't been available to
10 participate in some of the work group meetings. Like I
11 said, we've been trying to follow those and we will continue
12 to do so, but today is a good day to kind of explore some of
13 that if you have any specific questions.

14 And we do have a couple of things that we
15 wanted to highlight or at least be -- for you guys to be
16 cognizant of in the future work group meetings as we get
17 into the issue discussions.

18 Any questions, comments so far?

19 (No response).

20 Next slide. This is a project description.
21 I think everybody understands it so, Barbara, I think you're
22 off the hook.

23 MS. GREENE: Okay. Thank you.

24 MR. TURNER: All right. Let's get down to
25 the discussion of issues. Okay. There are a gambit of

1 issues that we've included or identified based on the
2 contents of the pre-application document ranging from
3 geology to the typical fisheries issues all the way down to
4 our developmental analysis resources.

5 Next slide, Kim. The first one is in
6 geology and soils. Basically if everybody could turn to --
7 what page did we start this thing on? 15. We've identified
8 in the scoping document those resources both that we've
9 identified that could have a cumulative effect and those
10 that have site-specific effects.

11 Geology and soils was one that we had a
12 cumulative effect for, and we're going to look at and
13 identify the issues of how project operations are affecting
14 shoreline erosion. And obviously this one has some overlap
15 with other issues like recreation and terrestrial resources
16 that are affecting the riparian habitat and other wildlife
17 habitats. So we recognize that, but we tried to lump it
18 into here just with the geology and the issue being what
19 areas are being affected by soil erosion.

20 Have we missed anything? Should we add
21 anything to this category?

22 (No response).

23 Now, I also understand there's an erosion
24 study that's being developed that's ongoing and is basically
25 pretty well developed at this point in terms of inventory

1 and --

2 MS. GREENE: Right. But we -- this is up
3 for discussion in our work group meeting next week.

4 MR. TURNER: Okay.

5 MS. GREENE: So, people, it was posted on
6 the web this morning so I don't know who's had a chance to
7 see.

8 MR. TURNER: Does anybody have any other
9 concerns that they want to put on the record?

10 MR. ROBISON: I guess -- Doug Robison from
11 State Fish and Wildlife. You mentioned overlap with
12 terrestrial and rec, and I recognize that. Do you -- where
13 does that overlap get addressed most? Is it in geology and
14 soils or do you just repeat the issues and analysis in each
15 section that has some relationship to geology and soils?

16 MR. TURNER: When we do an environmental
17 assessment, when we do our environmental analysis, we kind
18 of like look at what the ultimate measure or recommendation
19 is being put in place, and in this case if you're having
20 shoreline erosion, you may be identifying sites that need
21 particular controls implemented and high priority sites or
22 development of an erosion control plan for those sites.

23 So we talk about the benefits and needs for
24 those measures in the geology and soils section from that
25 narrow perspective. When we get into the terrestrial stuff

1 we may expand on that in terms of any particularly sensitive
2 sites that are being affected by erosion. So we'll talk
3 about it there, too, but not necessarily -- unless there's
4 some other additional measure that would be implemented
5 other than the erosion control plan, we probably won't talk
6 about it in any depth in those resource areas.

7 Does that answer your question?

8 I mean, we kind of -- it's somewhat of an
9 artifact of how we construct our EA's and EIS's, and in fact
10 we try to focus on not only the effect but the solution to
11 the measure or the enhancement measure that will try to be
12 put in place, and so therefore it naturally falls into
13 certain resource sections for greater discussion.

14 MR. ROBISON: For example, you talked about
15 remediating a site or erosion sites, that can just be
16 structurally stabilizing that, so that's preventing it from
17 further eroding.

18 MR. TURNER: Right.

19 MR. ROBISON: But it doesn't address, say,
20 some habitat functions that have been lost or replacing
21 those or restoring those functions, so that would be
22 addressed in a different area.

23 MR. TURNER: And I would envision some kind
24 of recommendation above and beyond just the remediation that
25 we would be talking about for that particular site, whether

1 it's, you know, planning additional riparian habit, trees,
2 but even that would be -- could fit into the remediation
3 aspect.

4 So my question to you might be, where would
5 you see going with that additional measure that -- I mean,
6 what beyond remediation might you be thinking about?

7 MR. ROBISON: I guess it would be site --
8 depend on the site, but restoring it to its potential in
9 terms of habitat functions.

10 MR. TURNER: And that would still be
11 included within the remediation aspect; right?

12 MR. ROBISON: I would hope.

13 MR. TURNER: I guess it's going to be a,
14 you know, a juggle but, I mean, if there's something beyond
15 that we would probably look at it in the terrestrial section
16 or the aquatic section, depending on what you were trying to
17 remediate for. More likely the terrestrial, given the
18 wetland function, the riparian function.

19 But in general a soil erosion control plan
20 would be where we would focus a lot of that, particularly if
21 that is included, you know, planting cottonwood trees or
22 whatever else as part of the remediation. Unless you're
23 going beyond that, we would probably focus it strictly on
24 the erosion.

25 MR. JAYJACK: This is Nick Jayjack with

1 FERC. There's going to be a lot of overlap on how we
2 address these issues, so we would address the soil erosion
3 and control measures in the geology in soils, and then if
4 there's effect on riparian vegetation related to that, then
5 that would be addressed in the terrestrial resources
6 section. So there's going to be a lot of these where you
7 have quite a bit of overlap of the issues discussed in
8 different context in the various resource sections.

9 MR. EYCHANER: Jim Eychaner with the State
10 of Washington. You mentioned overlap in other resource
11 areas. I glanced ahead to find the recreation slide. I do
12 not see one. Is that an oversight or are we not going to
13 study recreation or am I not looking at the right page?

14 MR. TURNER: You're not looking at the
15 right page. 18.

16 MR. EYCHANER: I was thinking of the
17 slides.

18 MR. TURNER: Slide 18, Recreation Land Use
19 and Aesthetics.

20 MR. EYCHANER: I don't have that slide on
21 my handout.

22 MR. TURNER: You don't? It might have got
23 left out. I don't know.

24 MR. EYCHANER: I feel much better now.
25 Thank you. It's 15 to 19.

1 MS. LYNN: You know what it is? You're
2 missing page 6 in this handout. That's what it is.

3 MR. TURNER: Sorry about that. I guess the
4 secretary didn't copy it very well. We'll get to it.

5 MR. EYCHANER: Thank you.

6 MR. TURNER: All right. You want to handle
7 this, Nick?

8 MR. JAYJACK: Sure. Nick Jayjack from
9 FERC. I identified a number of aquatic resource issues that
10 we're going to look at based on a review of the PAD and
11 information there.

12 And the first one, if you look to your
13 scoping document on page 15, "What effects do project
14 operations and facilities have on total dissolved gas, water
15 temperature, toxic compound concentrations, macrophyte
16 growth and pH."

17 Again, that issue is identified based on
18 information that I found in the PAD. Any questions on that
19 one? Any missing information?

20 (No response).

21 Okay. The next one is, "What effects do
22 reservoir fluctuations associated with load-following
23 operations have on aquatic resources, including water
24 quality, macroinvertebrates, and fish?"

25 Any questions on that issue? Doug?

1 MR. ROBISON: Just to -- it's not a
2 specific question to the issue as it is to understanding
3 terminology.

4 MR. JAYJACK: Sure.

5 MR. ROBISON: This specifically says
6 "project operations" as opposed to the project itself,
7 existence of the project. So when you say "operations,"
8 it's a dynamic -- it's in a dynamic sense. It's not a
9 static sense. It's some sort of baseline.

10 MR. JAYJACK: Right. It's a -- it's the
11 physical operation of the project. It might involve
12 maintenance, you know, fluctuating water levels related to
13 the project, releasing flows. It's -- that's exactly --
14 that's what we're talking about.

15 Now, the affected environment would
16 describe existing conditions as far as the resources go.
17 They would be the affected environment, the E.A., and that's
18 where we would get into, you know, what's the cumulative
19 effects analysis. We would look at changes that may have
20 taken place to that -- to get to where we are today with the
21 effect on environment.

22 MR. ROBISON: I guess something, for
23 example, like toxic compound concentrations, perhaps
24 operations may influence various levels of concentrations,
25 but the existence of the project is going to be the main

1 factor for the accumulation of it.

2 So are you -- when you look at operations,
3 do you sort of separate out the fact that there's -- there's
4 a reservoir that acts as a sink versus how that reservoir is
5 operated?

6 MR. JAYJACK: I'm not sure how exactly we
7 would look at it. It is getting to a baseline issue. I'm
8 just not quite sure. I just don't have enough information
9 about it at this time, but I would think a lot of that would
10 come out in the affected environment section, so we would --
11 if the information is available, we would in the NEPA
12 document disclose what -- what's in the sediments there,
13 what the existing water quality might be, that sort of
14 thing.

15 As far as the effects analysis, I'm not
16 sure at this time how we would look at, you know, the mere
17 existence of the project. I don't know. It raises some
18 baseline questions. I'm just not sure at this point how we
19 would treat that.

20 MR. ROBISON: Yeah. Just curious.

21 MR. TURNER: Is there anything of
22 particular concern that we need to be aware of from your
23 point of view? I mean, where were you going with this?

24 MR. ROBISON: Where was I going? Just that
25 the term "operations" doesn't exclude the mere existence of

1 the project and the effects it would have.

2 MR. TURNER: I think the Commission has
3 pretty much acknowledged that things get trapped behind the
4 project, but what do you do about that and what the
5 connection to that is obviously one of the things we're
6 going to have to look at, and that is what Nick is saying.
7 We don't have necessarily enough information about that to
8 be able to evaluate it, but the project, it does exist and
9 then it's part of the existing environment.

10 MR. JAYJACK: This is Nick Jayjack from
11 FERC. It is addressed or it is -- it's acknowledged as a
12 cumulative effect, so it would -- a lot of that would come
13 out in the cumulative effects analysis.

14 We would look at the various projects that
15 have been constructed on the river and in the basin over
16 time and I would envision that effects analysis coming out
17 in that section or at least as part. I'm not sure which
18 section, but as part of the cumulative effects analysis.

19 Okay. Any other questions regarding that
20 issue?

21 (No response).

22 Next issue, "What effects do load-following
23 operations have on" -- oh, wait. I just did that one.

24 MR. TURNER: I think what might be throwing
25 Nick off is we've structured these around a lot of the

1 existing studies that you guys are proposing and I think
2 that first line there fits mostly on that issue of water
3 quality and the next line goes into the fisheries.

4 MR. JAYJACK: And looking downstream of
5 Boundary Dam I think, and whereas the other one, the other
6 one deals with reservoir fluctuations. Okay.

7 So that issue is, "What effects do
8 load-following operations have on water quality,
9 macroinvertebrate, and fish habitats downstream of Boundary
10 dam?"

11 All right. The next one is, "What effects
12 does the project have on fish passage, including entrainment
13 and turbine mortality?" That's the issue that was
14 identified regarding passage.

15 MR. DONALDSON: Rick Donaldson, Fish and
16 Wildlife Service.

17 Does that mean upstream and downstream? Is
18 that implied by that.

19 MR. JAYJACK: It does. Yeah. I think I
20 must have included this statement including entrainment and
21 turbine mortality just to make sure that --

22 MR. DONALDSON: Those examples.

23 MR. JAYJACK: -- we were going to cover
24 that, yeah, as an example. That would include upstream
25 passage, as well.

1 MR. DONALDSON: Thank you.

2 MR. JAYJACK: The next one, "What effects
3 does the project have on woody debris transport and
4 recruitment, sediment transport, and the abundance of
5 aquatic vegetation?" Okay.

6 Are there any other aquatic resource issues
7 that we may have missed?

8 MR. DONALDSON: Rick Donaldson, Fish and
9 Wildlife Service, again. Just a clarification. Generally I
10 can see where some of those cover fish spawning,
11 reproduction, rearing, those kinds of issues, so is that,
12 again, implied for example that I guess as a generic bolus
13 cover issue for fish, for example.

14 MR. JAYJACK: Yeah. I think we would -- I
15 think it would fall under --

16 MR. DONALDSON: I'm missing a page on my
17 slide thing, too, so.

18 MR. JAYJACK: We would tie it to some kind
19 of project effect. So the effect on the environment would
20 give a general description of the various habitats and
21 what's there, and then through these various issues, a lot
22 of them are broad, we would have a discussion of what the
23 project effects would be on those various resources, be it
24 spawning habitat or rearing, that sort of thing. I think
25 it's covered in these bullets.

1 MR. DONALDSON: Okay. Good. Thank you.

2 MR. TURNER: Next slide. Okay. I guess
3 I'm here on out, unfortunately for you guys.

4 We also -- for terrestrial resources we've
5 also looked at basically the reservoir fluctuation
6 operations on a number of aspects and we tried to group
7 that. There seems to be a number of studies out there that
8 you're looking at ranging from riparian to wetland habitats
9 to various big game species, as well as riparian
10 regeneration and recruitment.

11 We're -- we tried to capture a lot of that
12 in that first bullet in terms of the effects of reservoir
13 fluctuations on those resources, and in the second one we
14 also started looking at what effects does the project have
15 on the deer and elk migration and movement.

16 That was one that I kind of separated out
17 from the reservoir fluctuations because we also seem to be
18 looking at access issues, as I understand it was being
19 raised, access roads, transmission lines, that kind of
20 stuff, and maintenance. Well, and also the physical
21 presence of the project in terms of its maybe serving as an
22 impediment to migration. That seemed to be implied.

23 Is that correct? Is that an issue that is
24 being looked at in terms of how -- Rick?

25 MR. DONALDSON: Yeah. I'm sorry. I was

1 scratching some notes down during the first part of that
2 discussion.

3 MR. TURNER: The first bullet we were
4 looking at, reservoir fluctuations principally on the
5 aquatic biological processes - wetlands, riparian, waterfowl
6 nesting, productivity.

7 In the second bullet I threw in deer and
8 elk migration. I seen some implications and discussions in
9 the PAD as well as some meeting minutes that there may be a
10 couple different aspects of project operation that may be
11 geared toward the deer and elk issues. I just want to kind
12 of get clarified in my mind.

13 It seems to be one of blockage that's
14 created by the project to migration as opposed to loss of
15 habitat or any changes in the quality of habitat.

16 MS. LYNN: This is Michelle with Seattle
17 City Light. The deer and elk study hasn't been discussed
18 within the work group. It's going to be discussed next
19 week, so folks here haven't seen it yet. But you're correct
20 that we are addressing both of those aspects. We're
21 proposing to address those aspects.

22 MR. TURNER: So the issue that was -- but
23 still the issue that was raised, even though they haven't
24 talked about the study itself, the issue that's being
25 addressed is one of migration blockage as opposed to loss of

1 habitat or changes in conditions of habitat or anything like
2 that; right?

3 MR. ROBISON: Yeah, I would characterize
4 the issue as -- Doug Robison from State Fish and Wildlife --
5 -- as what are some of the potential effects that the
6 project has on access routes, migration along the shoreline,
7 lateral movement, lateral movement or across the project.

8 MR. TURNER: Okay. Anything else? We also
9 identified maintenance activities, road maintenance,
10 transmission line maintenance, right-of-ways, vegetation
11 management, recreation. And those effects, I think these --
12 a lot of these overlap in this regard, but for clarity I've
13 broken them out.

14 And in the last bullet we're looking at
15 reservoir fluctuations on that hibernacula maternity
16 colonies and that and the like. Now, on this one -- has
17 that study been talked about yet, too?

18 MS. LYNN: No, not with the work group.
19 That's next week. No. Wait minute. Yes, we did last
20 month. Yes.

21 MR. TURNER: You guys are looking at what
22 conditions in terms of -- where is the focus of your
23 identification of potential bat colony sites? Is it things
24 that are fairly exposed and on an occasional basis in terms
25 of operations or what? I was not really clear about the

1 baseline that we were looking at in that study.

2 MR. ROBISON: I think there was one concern
3 that there's mine adits below full pool, so when there's
4 drawdowns those are exposed and bats, that would be direct
5 --

6 MR. TURNER: So they are exposed at least
7 on a temporal basis and at some times that they could choose
8 to use those adits and you're trying to identify those?

9 MR. ROBISON: I think that's one of the
10 questions.

11 MR. TURNER: I wasn't sure in that study
12 where the -- if it was minimal pool level or if there was
13 some --

14 MS. LYNN: It's still under discussion. We
15 had originally proposed the normal operating range from full
16 pool to 20 foot below to 1,970, and when we talked about it
17 in the work group there was discussion about, like Doug is
18 saying, looking, because we do drawdown to lower elevations
19 infrequently, but, you know, for maintenance activities.

20 So we're still discussing what kind of
21 analysis is appropriate within that area below the normal
22 operating range.

23 MR. ROBISON: There's also some
24 relationship to the bat use of the project area and how the
25 project operations may be affecting productivity of

1 macroinvertebrates to a lesser degree, but.

2 MR. TURNER: The macroinvertebrates --

3 MR. ROBISON: That was mentioned, how it
4 relates because of the varying zone that's affected by the
5 drawdowns.

6 MR. TURNER: Okay. That helps me
7 understand that.

8 Is there any other terrestrial resource
9 issues that we missed?

10 MR. ROBISON: I'm not sure where
11 amphibians, because that's always one of those things you
12 put it under aquatic or terrestrial.

13 MR. TURNER: Well, more often we deal with
14 them in the terrestrial aspects of things. So what
15 specifically about amphibians did we miss or did you want us
16 to clarify? I mean, is it more of a habitat wetland type of
17 issue or are we talking about fluctuations on amphibians?
18 Because I was kind of lumping that into the reservoir
19 fluctuations, or at least I can clarify that.

20 MR. ROBISON: It's more questions and
21 concerns. You know, discovery, are we -- what's species are
22 there and are they -- is habitat or the species use of the
23 project area being, you know, affected? I don't have
24 anything specific to offer you. It's more of a question of
25 is that component being looked at adequately.

1 MR. TURNER: In here? I was intending it
2 to be when I said "wetland habitat and associated wildlife"
3 to be more broad in that category, but I did see specific
4 studies and issues brought out that I just wanted to make
5 sure was captured, such as the waterfowl nesting and
6 foraging habitat and that kind of, and the establishment of
7 cottonwood trees, but if there's something else we need to
8 include in there, I'd be glad to clarify that specifically.

9 Okay. Let's go to threatened and
10 endangered species which would be -- oh, Rick?

11 MR. DONALDSON: Yeah, Rick Donaldson, Fish
12 and Wildlife. Just on the first bullet, this another
13 clarification, where it says "establishment and maintenance
14 of cottonwood trees and willows." I assume maintenance
15 means sustaining or recruitment of cottonwood, that captures
16 that?

17 MR. TURNER: I was thinking of recruitment,
18 yeah.

19 MR. DONALDSON: Okay. Thank you.

20 MR. TURNER: All right. Threatened and
21 endangered species. Now, I know in the PAD Seattle City
22 Light has lumped a lot of that discussion under their own
23 specific resource areas, like bull trout was dealt with
24 predominantly under the fisheries section, and under the
25 wildlife sections they dealt with bald eagles and some of

1 the other.

2 We typically in our EA's separate that out
3 and deal with the specifics associated with threatened and
4 endangered species so that we improve our ability to meet
5 the needs and the services for endangered species
6 consultation. So that's why we've separated this out, and
7 just make sure that we're covering the species that need to
8 be dealt with, but you may not see that in the application.
9 That's -- we're leaving that to the applicant and how they
10 structure their environmental document.

11 It's perfectly fine in our view to do that,
12 but, like I said, we have a practice in trying to separate
13 this out just because of our endangered species consultation
14 responsibilities. These are the species that we've
15 identified based on the information in the PAD and the
16 consultation letters that Seattle City Light has submitted.

17 Is there any species other than bull trout
18 and its critical habitat, Ute ladies'-tresses, bald eagle,
19 gray wolf, grizzly bear or Canada lynx that we should be
20 considering? Are any of those species we shouldn't be?

21 MR. DONALDSON: Gray is spelled G-R-A-Y
22 instead of E-Y.

23 MR. TURNER: Gotcha.

24 MR. DONALDSON: I do have a question. Rick
25 Donaldson, Fish and Wildlife.

1 Similar to what Doug said earlier under
2 Terrestrial Wildlife, the opening line there where it says
3 "What effects do project operation," maybe to clarify that
4 as "project infrastructure" or "project works" as separate
5 from the operation itself. Maybe insert that in there.
6 Similar to that statement Doug made earlier.

7 MR. ROBISON: Well I just noticed -- Doug
8 Robison, Fish and Wildlife. Some bullets have "the
9 project," others say "the project reservoir fluctuations,"
10 "the project," "the project operations." So either that's
11 just kind of casual use of the words, or there's specific
12 meaning that's only used in specific places for specific
13 reasons, and I guess that was the nature of my question
14 earlier. Sort of.

15 You know, I'm not trying to be a stickler
16 here, but if there's something that's being implied
17 specifically, I would ask for clarification.

18 MR. JAYJACK: This is Nick Jayjack from
19 FERC. If we say "project operations," it's pretty specific.
20 It would appear to us that it was specifically operations
21 that the study groups were focusing on. If we say
22 "project," it's a little bit more broad. It could mean
23 operations, maintenance. It could be a migration issue
24 because that's related to the existence of the project, of
25 project works.

1 So we'll use the term "project" if it's --
2 if you just can't tell if it's more specific than that. So
3 "project" is a lot broader than saying "project operations,"
4 of course.

5 MR. TURNER: This is David. If we need --
6 if you're viewing that there are some aspects of this that
7 we may not have captured, that's what we're here to talk
8 about today. If there's something specific that you believe
9 that we should have identified, then let's talk about it.

10 MR. DONALDSON: Rick Donaldson, Fish and
11 Wildlife. Just, again, a clarification that it means not
12 only the -- I guess we're trying to say the physical
13 presence of the project works, the dam, as maybe in this
14 case a barrier to fish movement, as opposed to the operation
15 of the facility, you know, drawdowns or whatever you do to
16 generate power.

17 So that's where, you know, maybe we're
18 looking -- or at least that's what I'm thinking. I assume
19 that's what Doug is getting at, too. Two separate things
20 there.

21 MR. TURNER: I can see that for bull trout,
22 but is there anything other than that from other species'
23 perspective?

24 MR. DONALDSON: That's -- that's what came
25 to mind here.

1 MR. JAYJACK: This is Nick Jayjack from
2 FERC. Just to clarify. So the bull trout part, the project
3 works is related to bull trout. If it's a passage, just
4 clarifying that --

5 MR. DONALDSON: Basically the channel is
6 blocked by the facility itself. I can see where other
7 projects or the use of projects or the use of the project
8 features by, let's say, maintenance vehicles, for example,
9 could be a disturbance at some future date, maybe a bald
10 eagle nesting, for example.

11 There was a project recently to repair a
12 road, a maintenance road, I believe, down to the dam. It
13 was the right abutment, I think.

14 MS. PATE: Oh, that's going to be done
15 later this month.

16 MR. DONALDSON: Right. But as an example
17 of something that could have an effect on some terrestrial
18 type issues, wildlife, maybe as a disturbance, nesting bird.
19 That's not an operation, or do you consider it an operation?

20 MR. TURNER: It sounds likes a maintenance
21 type issue.

22 MR. DONALDSON: It's a road that connects
23 to it. So I don't know where you draw the line there, what
24 category it falls under, but that was a specific project
25 that's occurring.

1 MR. TURNER: They're creating a new road?

2 MR. DONALDSON: No, they're not creating a
3 new road. They're repairing a road, but it depends on when
4 the work occurred could be an issue.

5 MR. TURNER: Maintenance, I consider that a
6 maintenance action to make sure the project continues to
7 operate and function as it's intended to.

8 MR. DONALDSON: Right.

9 MR. TURNER: Those are maintenance actions
10 and surely those are the kinds of things we'd like the
11 applicant to identify that occurs on at least a fairly
12 routine basis --

13 MR. DONALDSON: Right.

14 MR. TURNER: -- that we need to be
15 considering over the life of the license. And we would
16 analyze those effects and include those effects in the E.A.
17 So we do consider timing issues. I mean, that's an obvious
18 one that we have in the past and from the actions.

19 MR. DONALDSON: Thank you.

20 MR. TROCHTA: Dan Trochta, Fish and
21 Wildlife Service. I just have a clarification on the first
22 bullet. Species you have listed there are federally listed.

23 MR. TURNER: Right.

24 MR. TROCHTA: And if you go down to the
25 second bullet, you're talking about rare and sensitive

1 species that we have in Fish and Wildlife Service listed.
2 We don't have rare and sensitive species, but other agencies
3 I think do.

4 MR. TURNER: You have candidates,
5 candidates listed.

6 MR. DONALDSON: Candidate, yeah.

7 MR. TURNER: So those would kind of fall in
8 that category, too. Things that don't necessarily carry the
9 endangered species protection but do have other management
10 type of considerations in that, and maybe for Fish and
11 Wildlife Service doesn't belong here in this case.

12 Do we have any candidate species down there
13 that we're concerned about?

14 MR. DONALDSON: Not that I'm aware of.

15 MR. TURNER: Okay. We can delete that out
16 of here.

17 MR. DONALDSON: We used to have a category.
18 Rick Donaldson, Fish and Wildlife. We used to have a
19 category which was Species of Concern. It no longer exists,
20 so, like Dan says.

21 MR. TURNER: Okay. We'll take Fish and
22 Wildlife Service off that list and just focus mostly on the
23 Forest Service and BLM and state-listed species.

24 Anything else on Threatened and Endangered
25 Species?

1 MR. DONALDSON: Yeah. Rick Donaldson
2 again. This will be the last comment I think on T and E.
3 Just a procedural thing that occurred.

4 We received a letter from FERC regarding
5 the designation of the applicant as a non-federal
6 representative for Section 7 consultation, and the letter
7 indicates -- and I don't know if this is appropriate or even
8 fits.

9 MR. TURNER: Yeah. Fine.

10 MR. DONALDSON: Indicates that informal
11 consultation was initiated I think by notice dated July 3rd,
12 or something to that effect, and I don't think consultations
13 really under section 7 really has been an issue.

14 MR. TURNER: Not formal. It says "informal
15 consultation."

16 MR. DONALDSON: Well, informal consultation
17 when you make a determination of effect in the informal
18 process, you've made a determination a project may effect
19 but is not likely to effect the listed species, so that is
20 actually a type of consultation.

21 You get the may effect, then you go to
22 either may adversely effect or not likely to adversely
23 effect. And that -- you can actually complete consultation
24 informally and not even get to formal. So I just want to
25 make that clear.

1 Yeah, you don't -- I'm not saying you
2 should do formal consultation. I'm just saying when you
3 initiate informal, you can actually conclude a consultation
4 process at informal --

5 MR. TURNER: That's certainly our desire.

6 MR. DONALDSON: Well, that's the call you
7 make. That's your determination.

8 MR. TURNER: You're right. You're right.
9 I guess it's an artifact of the way the regulations are
10 written in the I.O.P --

11 MR. DONALDSON: Okay.

12 MR. TURNER: -- when we say we will begin
13 informal consultation with the services very early in the
14 process. And if you look back and look at that part of the
15 I.O.P. regs, it's just -- it's being put in there as a
16 standard measure. I never really understood or agreed to
17 it, but the Fish and Wildlife Service and NMFS pressed very
18 hard in the regulation to include that aspect.

19 MR. DONALDSON: I agree with it 100
20 percent, it's just there can be confusion using that term
21 "informal consultation." And if that's what the service,
22 Fish and Wildlife Service said at one point, then, whatever,
23 I can't do anything about that.

24 MR. TURNER: No.

25 MR. DONALDSON: But we always encourage

1 early consultation or coordination under the ESA or any
2 other factor, just so it's not confused with actual informal
3 consultation under Section 7, which I can get you the CFR's
4 and all that information if you need it.

5 MR. TURNER: To be honest, that part of it
6 is a confusing aspect to me and I'd be happy to talk about
7 it afterwards.

8 MR. DONALDSON: Okay. Just wanted to clear
9 that up. Fine.

10 MR. TURNER: Why don't we go to a new area.
11 Recreation and Land Use. Jim won't feel left out. This one
12 was fairly straightforward.

13 We're looking at basically existing
14 recreation facilities and access and future demands to see
15 that they're being adequately met over the course of the
16 next license. So it's are they existing -- are the existing
17 facilities meeting those demands and supply.

18 Anything you want to add, Jim.

19 MR. EYCHANER: Jim Eychaner, State of
20 Washington. Yeah, and that is trying to get future demand,
21 future use. I will have to acknowledge, having reviewed a
22 number of scope documents over the years, which is actually
23 a few years, the projections of future use are almost always
24 wrong. It's virtually impossible to tell what's going to
25 happen ten years, much less 40 years down the line.

1 So with that in mind, I would look for
2 perhaps a discussion, maybe not in a study, maybe in a study
3 having to do with what's called desired future condition.
4 In other words, what do people think access, the landscape,
5 and so on, should look like in the future.

6 Had kind of a discussion along those lines
7 on the Lewiston River project when I tried to get people to
8 think in terms of alternative futures and, lo and behold,
9 everyone thought the future should look a lot like it looks
10 now. Not trying to address all demands all the time, but a
11 fairly narrow range of demands it was appropriate for the
12 landscape. So I raise that as a potential issue.

13 MR. TURNER: Are you -- well, we are
14 looking at recreation demands. Are you just asking us to
15 clarify that to include --

16 MR. EYCHANER: Well, once again, we can
17 look at recreation demand as it exists today.

18 MR. TURNER: As a capacity element?

19 MR. EYCHANER: I already raised the
20 question in terms of asking you for what, which also helps
21 to shape the discussion of what do parties want the project
22 to look like in the future. All motor boats? Motor boats
23 plus muscle-powered boats?

24 Those kinds of discussions, as your classic
25 supply-demand study gets at today, usually based on data

1 that's five years old or so. Again, it's almost impossible
2 to get realistically a handle on the future.

3 MR. JAYJACK: This is Nick Jayjack from
4 FERC. Are you talking about setting up your studies or are
5 you talking about the specific issue we have in the scoping?

6 MR. EYCHANER: I'm more talking about a
7 specific issue. I think that classic recreation and
8 planning as it's generally understood does a poor job of
9 looking ahead and I'm trying to acknowledge that and look
10 for a way to address that, since FERC regulations call for
11 you to look at potential recreation, which implies not only
12 stuff that's happening today if it's not in the project, but
13 also implies the future.

14 MR. JAYJACK: Okay. Should we rewrite the
15 issue as we have it written and, if so, how would you want
16 us to do that?

17 MR. EYCHANER: Rewriting the issue might be
18 in order and I would be glad to try something and provide it
19 to you and make comments.

20 MR. JAYJACK: And file it with us?

21 MR. EYCHANER: Yeah.

22 MR. TURNER: That would help. Okay.

23 MR. TROCHTA: Dan Trochta, Fish and
24 Wildlife Service. Just I think to add to that on the future
25 recreation demand, I think something that will -- something

1 to add would be to consider impacts to wildlife, fish and
2 wildlife in the future, you know, with increasing or
3 expanding recreation opportunities and especially impacts to
4 threatened and endangered species.

5 MR. TURNER: I lumped that into some of the
6 terrestrial resources stuff. That's again one of those
7 places we have an overlap we talked about earlier where
8 we'll deal with those kinds of things in the resource area
9 when we start talking about PM&E, like what do project
10 effects and project-related recreation have on the
11 following. That would include future as well as current
12 related actions. So that we would consider those actions,
13 but we can clarify that.

14 MR. JAYJACK: We could say current and
15 future project-related recreation there in that issue to
16 kind of flush that out a little bit, if you think that would
17 work. Okay.

18 MR. EYCHANER: Jim Eychaner, State of
19 Washington. On the third bullet on the screen, I understand
20 that dispersed use is going on in habitat lands that were
21 purchased in the past several years and so an adequate look
22 at dispersed use issues should include uses of your wild
23 wetlands whether on the shoreline or not, so upland wildlife
24 lands should be included.

25 There will be an ongoing demand for access,

1 wanted or not. For example, hunting, wildlife photography,
2 religious use, and then there are some that may not be as
3 desirable or legitimate, but what I'm saying is that any
4 land that's associated with the project, the project
5 purposes needs to be include in the dispersed study and
6 inventory.

7 MR. TURNER: I would agree. And you think
8 that needs to be clarified in the issue?

9 MR. EYCHANER: Yes, I would. Yeah.
10 Because it's not just shoreline, but it's all land
11 associated with the project.

12 MR. TURNER: This was a list of studies.
13 It wasn't intended to be a list of issues, necessarily, but
14 a list of studies where there are information gaps. On each
15 of these slides up here is just the things where there was
16 an information gap and a study that's being constructed to
17 fill that gap.

18 Like I said, we broadly characterized this
19 here. We can be more specific if you desire us to, but if
20 you have any ideas of how you'd like that structured, again,
21 file that with us.

22 MS. GREENE: This is Barbara Greene from
23 Seattle City Light. In response to Jim's comment, we had
24 not included the Boundary Wildlife Preserve in the study as
25 we've proposed to date because it's not always in the

1 project boundary.

2 MR. TURNER: It's not currently?

3 MS. GREENE: Right.

4 MR. TURNER: But you're looking at it in
5 other aspects and may ultimately be included in the project
6 boundary?

7 MS. GREENE: That's right.

8 MR. TURNER: I think it would probably be
9 reasonable to also be considering recreational access to
10 those lands because once they're within a project boundary
11 then we would want to be considering what the actions and
12 activities that would go on and how those lands should be
13 managed.

14 MS. LYNN: This is Michelle with Seattle
15 City Light. I should just clarify that the Boundary
16 Wildlife Preserve and the adjacent land is actually in the
17 study area for the dispersed use study. We just want to
18 clarify it's not all within the boundary. I hear what
19 you're saying, but I'm just clarifying, I guess.

20 I can also add that there's a portion of
21 the wildlife preserve itself we believe should have already
22 been in the project boundary and it was really just an
23 oversight that it didn't happen, so we do plan to propose
24 that a portion of that be added to the project boundary.

25 MR. TURNER: For a portion, but not the

1 entire preserve?

2 MS. LYNN: There was an additional piece
3 that the city bought. The first piece was bought for
4 mitigation for the addition of two units in 1996, and then
5 there was another piece that was bought later on adjacent to
6 that property that the city thought it would hold on to in
7 the event that mitigation -- it would be appropriate for
8 mitigation for a future license. So we bought it with that
9 consideration in mind.

10 MR. TURNER: Okay.

11 MS. LYNN: So we're kind of putting it to
12 the stakeholders to have that discussion with us about
13 whether that would be -- you know, if our studies reveal
14 that acquisition of some sort would be appropriate as a
15 mitigation or, you know, some kind of PM&E measure, that
16 might be an appropriate parcel to include within the project
17 boundary.

18 MR. TURNER: Just be clear.

19 MS. LYNN: Makes sense.

20 MR. TURNER: Yeah. I see where you're
21 going. Just can be clear about, like you said, what those
22 lands were. I believe you're probably correct. We probably
23 at some point in the past should have included those in the
24 project boundaries and that would be the area that we should
25 be focusing on, but any future aspects, if you're

1 considering those PM&E measures, they can have an influence
2 on the value of those lands relative to a particular action.

3 So the more information you may have and
4 how you would manage that gives you a better -- gives us a
5 better feel on how to evaluate -- what the benefits would be
6 of including those lands and your ultimate goals for
7 managing them.

8 MS. LYNN: And for those reasons we have
9 actually included those lands in our study area for our
10 terrestrial resources studies.

11 MR. TURNER: Okay. Good.

12 MR. EYCHANER: Jim Eychaner, State of
13 Washington. Question, actually, for Seattle City Light.
14 Would you remind me where reservoir fluctuation and its
15 effects on recreation is going in the study?

16 MS. LYNN: Within the recreation plan. I
17 don't have the list of studies right here in my head. I
18 guess that is --

19 MS. GREENE: I'm sorry. Could you repeat
20 the question?

21 MR. EYCHANER: Where reservoir fluctuation
22 will be studied, reservoir fluctuation's effects on
23 recreation. For example, are you able to pass the falls or
24 not on a given day because of the water level, or sometimes
25 boats are left high and dry near the boat launch.

1 MS. GREENE: This is Barbara Greene. Can
2 we check that? We have a list of the studies here
3 available. We can check that for you.

4 MR. TURNER: I'm sure that it's in there,
5 but you do raise a point that I didn't pick up on in terms
6 of are you talking about the Metaline Falls depending on the
7 reservoir levels whether people will be able to pass?

8 MR. EYCHANER: Yeah. That's one issue.

9 MR. TURNER: Okay. I think I captured or
10 understood the issues of boat access or saw that, but I
11 didn't know that there was a problem necessarily or a demand
12 to get across Metaline Falls, but thanks for bringing it up.

13 Okay. I guess that we included --
14 aesthetics we also included in recreational land use. You
15 guys are doing a -- you're looking at the available or
16 existing view sheds and determining what -- who and what
17 experiences and how the project affects those experiences,
18 as I understand it, so we've included an issue here on
19 aesthetics.

20 Anything else to add there?

21 (No response).

22 Okay. Cultural resources. Again, this is
23 pretty much the standard look for particularly a 106
24 perspective, but we're looking at the project effects on the
25 historic properties and traditional cultural properties that

1 have been identified.

2 Is there anything that we should add to
3 this issue?

4 (No response.)

5 It looks like our tribal representative
6 left. Okay.

7 Socioeconomic resources. There didn't
8 appear to be any information gaps, but this is primarily one
9 of the looking at the social -- of the socioeconomics of the
10 county at a local level. We'll look at how changes in the
11 project economics would affect energy cost and
12 project-related recreation.

13 There's a lot of overlap between this and
14 developmental resources in the way the Commission looks at
15 the cost of the environmental measures and the project
16 economics, but we have separated out because of the local
17 interest there.

18 We will be doing our typical developmental
19 analysis. I think there's another slide on that. Yep.
20 Again, I think we'll be looking at the cost of the
21 individual PM and E measures and how that affects operation
22 and comparing it to alternative sources of power, and that's
23 just a standard section of our E.A.'s.

24 Any questions?

25 (No response).

1 Did we miss any environmental resources or
2 any other clarification? I appreciate the frank discussion
3 so far.

4 (No response).

5 Okay. Let's go to the next slide. I've
6 thrown this study request criteria in here again as a
7 reminder that basically when you're -- by September 1 you
8 guys are supposed to be filing comments on scoping as well
9 as your study requests. Those study requests should address
10 certain study criteria. One in particular is the nexus of
11 project operations and effects.

12 And even though this slide doesn't reflect
13 it, there's a second part to that criteria that I hope folks
14 are cognizant of, and that's what are you going to do with
15 that information, the information that study is going to
16 give you? How is that going to inform the development of a
17 license requirement?

18 It's not enough just to -- well, may not be
19 just enough to go to what the project effect is. The
20 project may be affecting sediment transport, but where are
21 you going with that particular question? Is it one of what
22 kind of substrate is down below the dam and are you trying
23 to evaluate the need for additional spawning habitat in the
24 reach down below the Boundary project, or is there fluvial
25 passage barriers to tributaries in terms of sediment

1 transport that's the issue. I was not real clear in looking
2 at that particular study in terms of sediment transport
3 where you might be heading with that kind of information.

4 So when you're making these studies, and
5 this applies not only to the study request but the
6 development of the study plan, when the Commission approves
7 it, we need to see that nexus. We need to see the nexus
8 next to the project and how that information may ultimately
9 be used. Basically what kind of a license requirement, what
10 kind of measure would you put in place to deal with that.

11 MR. DONALDSON: Rick Donaldson, Fish and
12 Wildlife. I just had a question procedurally. Seattle City
13 Light, as you know, is involved in work groups, fish work
14 groups and terrestrial and all that other good stuff.

15 If there's an agreement during those
16 meetings and they've indicated, Seattle City Light, that
17 they're going to do some studies on various entrainment
18 issues and so on and so forth, what does the Commission do
19 with that?

20 Let's say the resource managers and the
21 City agree that they're going to do that. Do we still have
22 to reiterate that in our comments or study requests and have
23 a justification, or how do we take that?

24 MR. TURNER: We don't expect you to
25 reinvent the wheel, and to the extent there is agreement, I

1 don't think you have to. The only thing that I can advise
2 you is that if there is any potential for disagreement that
3 may need to be ultimately resolved by the Commission in its
4 study plan determination, we're going to need to understand
5 the basis of that recommendation from your point of view and
6 your needs relative to what the applicant may put forth.

7 I mean, if we only have their part of the
8 story, we're not going to be able to judge what additional
9 aspects you were looking for to begin with. So when you put
10 that forward, you need to explain it in terms of how that
11 information is going to be utilized by your agency to
12 address or recommend a measure.

13 MR. DONALDSON: I'll say that's above and
14 beyond or maybe entirely separate study, but if we're in
15 full agreement with a study that's been proposed and worked
16 out in these work group forums or whatever --

17 MR. TURNER: Right. Then you're good to
18 go. You can say "We're in agreement with X, Y and Z and it
19 meets our needs and therefore we're not going to need to
20 address it any further." And the only thing that we would
21 probably -- well, I think that's good enough at this point.

22 I mean, I don't think you have to actually
23 go forward and say with the same level of effort,
24 particularly given that I think there's structurally in the
25 proposed study plans in the venue that generally follows the

1 study criteria. So if we have that logic there and it's
2 spelled out in a manner that fits your needs, there's no
3 need to, again, reinvent the wheel.

4 MR. PADULA: Steve Padula, Longview
5 Associates. To get to Rick's, I think maybe this is his
6 example. We've had discussions with regard to mortality
7 estimates that you can get from some literature, desktop
8 type work, and we worked together with these folks and I
9 think our plan is to reflect in the PSP so you folks see it
10 those discussions that we've had and City Light's
11 perspective of we think we're together, but I think also
12 folks want to reserve the opportunity maybe to revisit that
13 at a time in the future if it made sense, if for some reason
14 something changes.

15 So I believe the City Light proposal is to
16 reflect that and these folks can react to that essentially
17 in their PSP comments as to whether we got it right or not.

18 MR. TURNER: Right. That is one venue for
19 doing that, but there is a step that precedes that and
20 that's the study request step. You have to create the study
21 request to reflect your agency's concern, and I think the
22 answer is no, if you're comfortable with what's being put
23 forward at this point.

24 MR. DONALDSON: And those won't be -- I
25 think based on the timeline, the proposed study plans aren't

1 due until a month and a half after the end date for us to
2 request studies, so I don't know if there's still more
3 meetings to come and where those will be at that point if we
4 want to -- there's a good chance we would. We might say we
5 worked on this together, we like what we see, but if we have
6 no -- I don't know if the city will have those available for
7 us to concur with prior to 9/1, which is the date the
8 requests are due. So it's of a --

9 MR. TURNER: That's your call and your risk
10 you have to judge in terms of putting forth. If there's
11 some element of it that hasn't been adequately defined, then
12 you may find it of value to go ahead and put it down so
13 they're aware of that and they can incorporate that in the
14 proposed study plan.

15 You do have other opportunities to comment
16 and review, just like Steve was talking about, on the
17 proposed study plan and to question that, but your time
18 frame for doing that becomes much more intense and
19 structured.

20 The comment -- they file a proposed study
21 plan, we'll have a 90 day period there we can work through
22 the issues, but unless -- and you can bring it up in that 90
23 day period, too, and we've seen that raised in a number of
24 our projects where we can talk about, "Well, what did you
25 mean by this?" We can clarify -- it can clarify what's

1 going on and ultimately get to -- you can do it in your
2 comments in the proposed study plan that ultimately this
3 should have been -- this was our agreement and this is how
4 it's being reflected.

5 So it's not your end opportunity, is what
6 I'm trying to say, and it's a risk that you kind of have to
7 weigh on your own agency's perspective as to how much detail
8 you want them to understand where you need to be. And if
9 you're close, you probably -- it's a resource issue. Do you
10 spend a lot of time dealing with it? I guess I probably
11 wouldn't if I felt very comfortable, but I can't advise you
12 on that.

13 This came up on Tacoma-Ames and our
14 attorney, Liz Meloy, who was there on the same thing, said
15 "Don't reinvent the wheel." But if you feel uncomfortable
16 with what's being said, then if you're her client she would
17 say put it on paper.

18 MR. DONALDSON: I don't feel uncomfortable
19 with what's being said, I just would say how do we concur
20 with a plan? I'm sure, because I think our last meetings
21 are like August 25th, the last fish meeting, so it's pretty
22 close to the lead-in time we have and the agency -- we
23 probably have to have our comments in to our folks by the
24 1st of August. So we're not going to have those things
25 fully developed at that point in the level of detail that we

1 would need to have to, let's say --

2 MR. TURNER: That's the thing is you have
3 to weigh do you want to put it down on paper in terms of the
4 level of detail. Maybe that is the kind of place you want
5 to do it, even though you're discussing it. It may be a
6 little bit extra effort on your part, but it may help move
7 things along faster.

8 MR. DONALDSON: Thanks.

9 MR. JAYJACK: This is Nick Jayjack. Just
10 so we're clear, even if there is an agreement, the city
11 still would have to in its initial proposal address the
12 criteria and then the agency could tier off of it later just
13 by saying we agree to the criteria, we agree to the study.

14 It's not a rubber stamp just because
15 everybody agrees to it. It doesn't mean that nobody has to
16 adjust to criteria, because we've ultimately got to make our
17 study determination based on the criteria. Okay. Just want
18 to make sure.

19 MR. TURNER: Anything else on that one?

20 (No response).

21 Next slide. Again, just a reminder, study
22 requests are due September 1, along with your comments in
23 Scoping Document 1. Proposed study plan will be due October
24 16th. They're required to have one study plan meeting that
25 should occur no later than November 15th, and then their

1 revised study plan will come in in February, February 14th.
2 Will be a nice little Valentine's present. And then our
3 Commission study plan determination will be due March 16.

4 Now, there's no reason why -- we were
5 having a little short discussion about this preceding the
6 meeting. Obviously the goal of Seattle City Light is to,
7 you know, complete and get agreement on a lot of these study
8 plans early, pretty much with the filing of proposed study
9 plan.

10 There's no reason -- the I.O.P. is pretty
11 flexible. If everybody is in agreement with those proposed
12 study plans, we can accelerate some of these elements of the
13 process, and we've talked about that, and Barbara may be
14 proposing that in terms of your comfort level.

15 But these are the dates and procedures that
16 are laid out by the regulations, but you may want to
17 consider that and ultimately get to a study plan
18 determination earlier, if it's feasible, but this is the
19 hard and fast dates you have to meet.

20 Doug?

21 MR. ROBISON: Doug Robison from State Fish
22 and Wildlife. I'm encouraged to hear that because I haven't
23 looked at all the study plans, but there may be some start
24 dates that are earlier than the planning termination, as
25 well as the time it takes to ramp up to getting contractors,

1 you know, budgets approved through the City process.

2 So but there would also be a risk on the
3 side of the utility that something may not be approved in
4 March and they've gotten all this commitment and a
5 contractor signed up. So I see some complications there
6 and, you know, I mean, if you don't get, you know, a
7 particular key month of spill data in the spring or whatever
8 you need, I mean, that could throw off.

9 MR. TURNER: It can move your studies back.
10 We're seeing that happen, and may have to push them back.
11 You're right. I guess what I'm trying to say is that if --
12 if you can get conclusions on the proposed study plan sooner
13 and even the issues resolved sooner than what's provided for
14 in the regulations, you can file them early. You can file
15 the revised study plan early.

16 But the only thing I want the stakeholders
17 to be aware of and cognizant, City Light, is that there is
18 solid agreement on we resolved all the issues, because I
19 don't want to shorten anybody's ability to work out the
20 details on a proposed study.

21 If there's any -- if there is any dispute
22 out there in terms of what's going to be done, then we have
23 to stick with these hard and fast dates, but if things can
24 be done, completed, and completed sooner, then there's no
25 reason why we can't accelerate it to file the revised study,

1 preferably we're holding that initial study meeting but
2 ultimately dealing with some other studies that may be
3 coming in later in a separate meeting. So we're holding two
4 and having two study plan determinations. So the Commission
5 is being as accommodating on this process as we can in terms
6 of making it as fast and as efficient as possible.

7 But the things you need to be aware of is
8 that we're not going to shorten the stakeholders' abilities
9 to comment and resolve problems, is what I'm trying to say.
10 If everything is done and everything is fine and we can move
11 faster, then we will move faster.

12 Rick?

13 MR. DONALDSON: Rick Donaldson, Fish and
14 Wildlife. Is there -- I've been -- we've been diverted off
15 on another hydro project recently in the last month, but
16 what is the status? Is there a posting of the most up to
17 date study requests that we can find readily on the website
18 then sort of where we're at so we can refer to that when
19 we're responding to that September 1st deadline?

20 MR. ROBISON: Yeah.

21 MS. GREENE: Uh-huh.

22 MR. DONALDSON: Fairly current. Okay.

23 MR. TURNER: Next slide. Well, Rick, any
24 more questions?

25 MR. DONALDSON: No.

1 MR. TURNER: You sure?

2 I appreciate you coming out today. Just,
3 again, comments are due September 1, along with your study
4 requests. Make sure you're on the official mailing list for
5 the Commission. If you're not, send in a letter to make
6 sure that you are. Transcripts of this meeting will be
7 posted on our web page as soon as we get them. And if
8 there's no other questions, we'll adjourn, but -- oh, Doug?

9 MR. ROBISON: In the beginning of this you
10 mentioned settlement agreement rulings. You mentioned three
11 projects, Pelton, Gaston, and what was the last one?

12 MR. JAYJACK: Tapoco, T-A-P-O-C-O. I can
13 give you the project number after the meeting. I think I
14 have it with me.

15 MR. ROBISON: Okay.

16 MR. TURNER: Anything else?

17 (No response).

18 Well, I appreciate you guys coming out and
19 talking to us. It's good you guys -- what you have done so
20 far has been great. I think it's a good collaborative
21 approach and we've made a lot of progress and I think it's
22 going to help you in the end in terms of getting your
23 agreements, and I think Seattle should be commended on the
24 effort they've done so far.

25 So thank you, and we'll adjourn.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Whereupon, the meeting adjourned at 2:30 p.m.)

* * *

1 STATE OF WASHINGTON)
2) ss.
3 County of Spokane)
4
5

6 I, Amy J. Brown, do hereby certify that at the
7 time and place heretofore mentioned in the caption of the
8 foregoing matter, I was a Certified Shorthand Reporter and
9 Notary Public for Washington and Idaho; that at said time
10 and place I reported in stenotype all testimony adduced and
11 proceedings had in the foregoing matter; that thereafter my
12 notes were reduced to typewriting and that the foregoing
13 transcript consisting of 58 typewritten pages is a true and
14 correct transcript of all such testimony adduced and
15 proceedings had and of the whole thereof.

16 Witness my hand at Spokane, Washington, on this
17 _____ day of July, 2006.

18
19
20 _____
21 Amy J. Brown, RPR
22 WA CCR NO. 2133, ID CCR NO. 700
23 Certified Court Reporter
24 Notary Public for Washington and Idaho
25 My commission expires: 3-29-07 and 7-19-06